

EXHIBIT D

110:17:10

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

HONORABLE MICHAEL W. FITZGERALD, U.S. DISTRICT JUDGE

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

DEONDRE DONTRELL WILSON,)

DAVID BRIAN LINDSEY,)

ASA HOUSTON,)

DURK BANKS,)

Defendants.)

2:24-CR-621-MWF

REPORTER'S TRANSCRIPT OF HEARING

Los Angeles, California

Tuesday, November 18, 2025

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Federal Official Reporter
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Los Angeles, CA 90012

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110:17:12 THE CLERK: Calling item number one, case number
210:17:16 CR-24-621-MWF, United States of America vs. Deondre Dontrell
310:17:23 Wilson, David Brian Lindsey, Asa Houston, and Durk Banks.

410:17:29 Counsel, please state your appearance for the
510:17:30 record.

610:17:32 MR. YANNIELLO: Good morning, Your Honor. Ian
710:17:33 Yanniello, Danny Weiner and Greg Staples on behalf of the
810:17:39 United States, and with us at counsel table is FBI Special
910:17:40 Agent Jaron Farmdy.

1010:17:43 MR. FINDLING: Good morning, Your Honor. Drew
1110:17:44 Findling, Marissa Goldberg, Jonathan Brayman, Christy
1210:17:47 O'Connor on behalf of Mr. Banks, who is present in court
1310:17:49 today.

1410:17:49 THE COURT: All right. Good morning, Counsel, good
1510:17:51 morning, Mr. Banks.

1610:17:53 MR. HARBAUGH: Good morning, Your Honor. Craig
1710:17:54 Harbaugh on behalf of Mr. Wilson, who is present.

1810:17:56 THE COURT: Mr. Harbaugh, Mr. Wilson.

1910:18:03 MS. MOEEL: Good morning, Your Honor. Shaffy Moeel
2010:18:04 on behalf of Mr. Houston, who is present in custody.

2110:18:05 THE COURT: All right, Counsel, Mr. Houston.

2210:18:05 MR. MILLS: Good morning, Your Honor. Tillet Mills
2310:18:08 and Robert Jones on behalf of Mr. Lindsey.

2410:18:09 THE COURT: Good morning, Mr. Lindsey, good morning,
2510:18:11 Counsel.

110:18:11 We are here for a hearing on the pretrial motions
210:18:18 which were filed. After they were filed, a further flurry
310:18:23 arose from the filing the motion for recusal, or
410:18:29 disqualification and dismissal, and then the ex parte
510:18:34 applications related to that.

610:18:37 Having received the first motion and the request
710:18:41 that certain exhibits be filed under seal, which I granted, I
810:18:48 thought it would be useful to discuss a scheduling -- a
910:18:55 schedule for that motion. And because certain things were
1010:19:02 being filed under seal, perhaps that discussion should be
1110:19:06 under seal, as well.

1210:19:07 Since then, the Government filed its initial
1310:19:12 opposition. And I think it's correct that there are two
1410:19:14 issues raised by that motion: The first, the recusal and its
1510:19:19 related request to stay, and then the actual relief.

1610:19:24 The Government did file its opposition to recusal
1710:19:28 and a stay; and therefore, we can discuss that this morning.

1810:19:38 And after that, I think we can then turn to the
1910:19:42 other motions.

2010:19:44 So the -- I think the Government frankly laid out
2110:19:47 why -- I just don't understand the request for the recusal,
2210:19:52 either of me or any other judge on this court. I just -- I
2310:19:58 just don't understand what the basis for that would be. It
2410:20:02 could be that if someone were ever brought to justice for the
2510:20:09 threats that were made to the magistrate judge, assuming a

110:20:13 crime occurred, and assuming there was a prosecution, then
210:20:16 perhaps it would be appropriate for not just -- for all
310:20:20 judges on this court, not just myself, to recuse themselves
410:20:24 in that.

510:20:25 But here, regardless of what threats would be made
610:20:28 to me or to anybody else, there would be no basis for a
710:20:31 recusal, especially here where it's understood that those
810:20:38 threats, and one presumes any future threats, would not be at
910:20:42 the instigation of these defendants.

1010:20:43 So again, I know the request has been made, so I
1110:20:48 want to hear your argument, but I just don't understand what
1210:20:50 the basis is for any recusals of any Central District judges.

1310:20:57 So, Counsel, do you want to be heard on that?

1410:21:03 MR. FINDLING: Your Honor, I'll start, and then --
1510:21:07 Drew Findling on behalf of Mr. Banks -- and then I'll kick it
1610:21:11 off to cocounsel on this issue.

1710:21:13 First, let me start by telling Your Honor that the
1810:21:19 Government's response does adhere to the briefing schedule.
1910:21:23 So we believe that this needs to be addressed in a -- we
2010:21:26 appreciate the opportunity to initially address it today.

2110:21:29 THE COURT: No. Well, I think there is two issues.
2210:21:31 The merits that -- of what you are requesting, that there
2310:21:35 should be either disqualification of the prosecutors or
2410:21:37 dismissal, that I think does -- that we'll take up at a
2510:21:42 future date after the briefing is complete. There will be an

110:21:46 opposition, you will file a reply, we'll find a time to hear
210:21:52 it. What I'm addressing now is just the request for a
310:21:55 recusal and a stay.

410:21:57 MR. FINDLING: Sure.

510:21:57 So, Your Honor, let me first talk about the glaring
610:22:02 omission in the Government's response that you make notice of
710:22:06 is, first of all, there is a little bit of inconsistency,
810:22:12 because on the one hand, my colleagues will be arguing at
910:22:16 some point about the anonymous jury in which the Government
1010:22:21 relies on these calls as a reason for that. So they place
1110:22:25 great weight on it there, but as you recall from the filing
1210:22:29 that they just did on this issue, they merely call it a few
1310:22:34 calls.

1410:22:34 The calls that they reference, the big issue that we
1510:22:39 are most concerned about, is entirely left out of the
1610:22:43 Government's filing.

1710:22:44 If you will recall, respectfully, Your Honor, if you
1810:22:49 will recall, one of the exhibits in our motion that we filed
1910:22:53 on this issue was a letter we received from the Government
2010:22:57 when we sent them a letter about our concerns about the
2110:23:02 revelation that there had been threats to Judge Donahue going
2210:23:08 back to February, to Mr. Yanniello in April, but the central
2310:23:13 issue was that we were never told.

2410:23:18 In fact, we don't even know to this day, it may be
2510:23:21 that Judge Donahue, respectfully, thought we were told and

110:23:27 decided to waive the issue and not bring it up. As our
210:23:30 attachments show, there was communications with Your Honor's
310:23:33 chambers, whether it's Your Honor, or other people in your
410:23:36 chambers, may have thought the Government did what I will
510:23:39 call, as an officer of the court, the right thing, and let us
610:23:42 know. You may have thought that, or your chambers may have
710:23:45 thought that, Judge Donahue may have thought that. I would
810:23:49 fathom they did think the Government notified us as counsel
910:23:54 in this case, and we waived the issue.

1010:23:55 The central issue that is omitted from the
1110:23:58 attachment we gave you, which is the Government's letter to
1210:24:01 us, is they literally never reference May of 2025. They
1310:24:07 never reference in that letter that we did a detention
1410:24:11 hearing for Mr. Banks in which, amongst other things -- and
1510:24:18 it was a hearing that was substantive. It was a change of
1610:24:22 circumstances hearing.

1710:24:22 In fact, if you look at Judge Donahue's order in it,
1810:24:26 it is a substantive review of everything that took place in
1910:24:29 that hearing. So it wasn't a quick 15-minute hearing.

2010:24:33 And what we did not know at the time when we were
2110:24:36 saying that Mr. Banks should be released on bail, that he was
2210:24:43 not a danger to the community, that he was not a threat to
2310:24:47 anybody in the case, witnesses or anything like that, we did
2410:24:50 not know, the Government did not let us know as counsel for
2510:24:56 Mr. Banks, as honorable members of the bar, that had been

110:25:01 subjected to protective orders, and for attorney eyes only
210:25:05 orders, so we have shown, don't conflate us with allegations
310:25:08 you are making against people on this table. We are members
410:25:11 of the bar. You did not bother to let us know that we were
510:25:14 going in front of Judge Donahue, who had herself been
610:25:18 threatened by a third-party.

710:25:20 So to think that we got a fair and impartial hearing
810:25:24 at that time is faux. It is make-believe. And it is -- it
910:25:29 is really, Your Honor, as somebody that has been doing this a
1010:25:32 long time -- and let me say, actually, loves being a lawyer,
1110:25:35 and you will never hear me saying anything adverse in the
1210:25:38 public about the people that represent the United States of
1310:25:42 America and their job -- but to think so little of us, that
1410:25:46 you would not let us know that we had a truly a ridiculous
1510:25:51 hearing.

1610:25:52 And then for that, to go from there, and to be
1710:25:56 reviewed by Your Honor. Your Honor had the position in June
1810:26:01 when we -- to review not only what we said, but in looking at
1910:26:06 your order, your order fastidiously studied the order that
2010:26:11 was issued by Judge Donahue.

2110:26:14 And so everything at that point was tainted. And
2210:26:18 what we didn't know, as our exhibits show, is the extent of
2310:26:24 this investigation that was done by the lead FBI agent, that
2410:26:30 a decision was made that the lead FBI agent in the case
2510:26:34 against Mr. Banks and these codefendants, was the lead

110:26:38 investigator in these threats.

210:26:42 And all that communication is in our exhibits, was
310:26:46 shared with Your Honor's chambers. And the threat to destroy
410:26:52 the building, or whatever, we just assume everybody -- I
510:26:56 mean, assume -- and I'll let -- cocounsel is going to address
610:26:59 this issue, because it was a collaborative effort, the
710:27:02 writing, as you would imagine -- but our thought process
810:27:07 collectively was that this threat was taken very seriously,
910:27:11 because the documents that we have submitted to Your Honor
1010:27:14 show that the U.S. Marshals Service, shows the FBI, and the
1110:27:19 Department of Justice didn't look at it, like the most recent
1210:27:23 filing, a few phone calls; they looked at it as a serious
1310:27:27 threat. And we would imagine that that was disseminated.
1410:27:33 People should know in this courthouse that somebody is making
1510:27:36 this, what was deemed a viable threat.

1610:27:39 And so that is the cause of what we consider at this
1710:27:44 point to have been tainted proceedings. These have been a
1810:27:48 direct threat to the constitutional rights of Mr. Banks, his
1910:27:52 due process rights.

2010:27:54 I say it again, Your Honor, I'm in total disbelief.
2110:28:02 Forty years, forty years, and there is not one part of me
2210:28:05 that can imagine a rationale for letting us walk honestly in
2310:28:10 front of Judge Donahue and make fools of ourselves.

2410:28:16 As I said to my cocounsel, talking -- a lot of us
2510:28:18 have children, when we raise kids, particularly teenagers,

110:28:21 you say there is a point and a counterpoint when you have a
210:28:24 debate. But sometimes I said to my kids, there is no
310:28:28 counterpoint. When I say to be in by 11, don't come back and
410:28:31 say you can get in by 11:05.

510:28:34 To me, respectfully, there is no counterpoint in
610:28:36 this. There is no rationale, there is no rationale that you
710:28:39 let defense counsel, that is trying to protect the
810:28:44 constitutional rights of our client, to try to make sure he
910:28:47 has a fair and impartial determination as to whether in this
1010:28:50 critical stage in the proceedings, he should be released, so
1110:28:53 that he can be free and operate from the outside under the
1210:28:57 stringent conditions, and that he's not going to be a threat
1310:29:00 to the community, there is no rationale for not saying, we
1410:29:04 know that you all have really honored the protective order.
1510:29:08 We know you all have really protected the attorney's eyes
1610:29:12 only. You have shown us, okay, we want you to know -- and
1710:29:17 maybe they said it a -- we can't let anybody else know, but
1810:29:21 you should know before you argue, there is no rationale that
1910:29:24 the Government can come up here and say, as my colleague
2010:29:28 Mr. Brayman said, who has been a bird dog on case law around
2110:29:31 the country, he says over and over again, "Find me a case
2210:29:36 where a judge has told the Government, whether it be a state
2310:29:41 sovereign or the United States of America, it's okay to keep
2410:29:44 secrets and make fools of your opposing counsel," because
2510:29:47 such a case does not exist.

110:29:49 Because the one thing that we have, and more
210:29:51 importantly, Mr. Banks has, is the Constitution. And so we
310:29:57 operate under the thought process with this threat to the
410:30:01 courthouse, that this was taken -- and that is why we have
510:30:04 overloaded you with exhibits, and we want -- we deeply want
610:30:07 an evidentiary hearing, because we have talked about it, we
710:30:11 are like, the Court may have just thought that we knew. The
810:30:16 Court may have thought we knew, and just went ahead and
910:30:21 thought we waived the issue. We have no doubt that is a
1010:30:24 major possibility, thought, yeah, the Government would never
1110:30:29 keep a secret like that, never. That would never happen.
1210:30:32 But we didn't know.

1310:30:33 So that is my thought process. I know I want to
1410:30:37 give time to my colleagues who want to address the same issue
1510:30:41 with the Court's permission.

1610:30:42 I think I'll pass to Mr. Harbaugh at this time.

1710:30:47 MR. HARBAUGH: Your Honor, just very briefly, and I
1810:30:54 just want to address the objections that were filed.

1910:30:58 So we appreciate the Court honoring our request to
2010:31:03 have this public, because we think it is --

2110:31:05 THE COURT: I just want to repeat, Mr. Harbaugh,
2210:31:08 when I suggested that it might be closed, it was solely in
2310:31:11 regard to scheduling, and if the defense, which had requested
2410:31:14 that certain exhibits be filed under seal, wish to have a
2510:31:18 full discussion of those. It's -- once the Government filed

110:31:21 its opposition, it was never my intention to have anything
210:31:25 other than a public hearing.

310:31:27 MR. HARBAUGH: Thank you, Your Honor. My -- our
410:31:30 apologies. It was -- we were just going off the Court's
510:31:33 scheduling order. So I appreciate that.

610:31:35 THE COURT: Which was filed about 10 minutes after I
710:31:37 read your motion. So it's -- obviously, there is a lot of
810:31:40 water under the bridge since then.

910:31:42 So go ahead.

1010:31:43 MR. HARBAUGH: Understood, Your Honor.

1110:31:44 So my focus here is really on the -- our request for
1210:31:50 a stay pending resolution of the recusal with full fact
1310:31:56 development.

1410:31:57 And, Your Honor, at this -- the problem that the
1510:31:59 defense has, is we don't know what we don't know. We have
1610:32:03 very limited discovery that the Government provided to us
1710:32:08 only with the goal of relying upon that evidence in support
1810:32:15 of their motion for an anonymous jury.

1910:32:18 It was not disclosed to us to inform us as to what
2010:32:23 is going on behind the scenes, that there are threats to the
2110:32:28 judiciary in this case. It wasn't to keep us apprised. It
2210:32:33 was solely for the Government's benefit, so they could pursue
2310:32:37 an anonymous jury. And, yes, it was maybe a few days before,
2410:32:41 but it was for the filing. Clearly, that was the sole
2510:32:45 intent.

110:32:45 And so, Your Honor, we have some piecemeal
210:32:48 information, and the defense certainly has a reasonable
310:32:52 basis, and at this point we would reserve on whether, and to
410:32:56 the extent which judges knew, but it's a reasonable inference
510:33:00 that the courthouse was informed of this threat of causing
610:33:08 damage to the entire building.

710:33:10 And so, Your Honor, the -- the defense has been at
810:33:19 an incredible disadvantage, which is why we think a
910:33:24 substantive evidentiary hearing should be ordered by the
1010:33:29 Court, so we can address these issues.

1110:33:32 And our concern, and I apologize for jumping the
1210:33:34 gun, is that the Court was going to summarily deny the
1310:33:39 recusal motion, and then just proceed to the merit -- the
1410:33:42 substantive pretrial motions that the parties have filed.

1510:33:45 And, Your Honor, even if the evidence --

1610:33:49 THE COURT: Go ahead, Mr. Harbaugh. Go ahead.

1710:33:53 MR. HARBAUGH: Your Honor, even if the Court was not
1810:33:57 personally aware, the issue is what the public would perceive
1910:34:02 would be the appearance of bias based upon these looming
2010:34:07 threats, not by our clients, but in their names, specifically
2110:34:12 invoking their names.

2210:34:14 And so, Your Honor, based upon that, we think the
2310:34:16 most prudent course is to schedule expeditiously a hearing on
2410:34:23 the recusal, and that the Court defer on the substantive
2510:34:26 motions today.

110:34:27 THE COURT: Thank you.

210:34:29 Do any other defense counsel wish to be heard?

310:34:33 Does the Government wish to be heard?

410:34:36 MR. YANNIELLO: Briefly, Your Honor.

510:34:37 We understand that the arguments that counsel is
610:34:43 making, Mr. Findling, but that is conflating the issue. The
710:34:47 issue before Your Honor is whether Your Honor can be
810:34:49 perceived as a biased arbiter of fact here. Mr. Findling,
910:34:55 his entire argument was based on what occurred before the
1010:34:59 magistrate judge.

1110:35:00 One thing I do agree with both counsel on is that
1210:35:03 the threats here have not been linked to any of the
1310:35:06 defendants in this case. They were third-party actors. And
1410:35:10 it would be not only counterintuitive, but it would defy
1510:35:15 binding circuit law if judges could be recused based on
1610:35:19 third-parties or people, even the defendants threatening or
1710:35:24 trying to intimidate the judge.

1810:35:26 There is binding law on this point in *Clemons vs.*
1910:35:29 *United States District Court*, the judge did not recuse, even
2010:35:33 though the underlying litigation was three -- a person who
2110:35:38 threatened three different Central District judges, three
2210:35:42 different judges, and the District Judge still proceeded in
2310:35:46 that case.

2410:35:47 The Government's position is the Court can and
2510:35:49 should categorically reject and summarily deny the request to

110:35:53 recuse. There is no basis to perceive that this Court can
210:35:56 proceed in any fashion other than fair and impartial.

310:36:00 THE COURT: Thank you.

410:36:02 MR. FINDLING: May I respond briefly, Your Honor?

510:36:04 THE COURT: You may.

610:36:05 MR. FINDLING: Thank you.

710:36:05 Your Honor, I respectfully disagree with the
810:36:10 Government when they say that -- my words are very clear to
910:36:13 Your Honor, and I remember very well, I believe Your Honor
1010:36:17 gave us a lengthy hearing on June 2nd. We had the grand jury
1110:36:22 hearing on the transcripts that Ms. O'Connor did, and then
1210:36:26 the detention hearing was actually a lengthy hearing.

1310:36:30 You took that under advisement, and then you
1410:36:32 issued -- you can see your own order -- you gave a very
1510:36:36 substantive analysis, not only the hearing, but you gave a
1610:36:39 substantive analysis of the decision that was made by the
1710:36:44 magistrate in May.

1810:36:46 And if I remember correctly, in the sheet, it
1910:36:51 references in your order, it lists like the documents
2010:36:54 reviewed, or something like that, and I want to say all of
2110:36:56 them had May dates, if my memory serves me correctly.

2210:37:01 And so while we see the documents going back and
2310:37:06 forth to your chambers, we don't know what was communicated
2410:37:09 to you. But here is what we do know: We do know that you
2510:37:14 were analyzing the May decision by Judge Donahue, who was

110:37:21 well informed of this threat.

210:37:23 And so it wasn't just about Judge Donahue, it's that
310:37:29 you were in a position -- and again, we say the same thing,
410:37:31 we don't know if you or Judge Donahue thought we knew, we
510:37:35 have no idea. And we -- and we concur on the staying the
610:37:39 proceedings. You know, we want to move forward as hard as
710:37:44 anybody else, but we feel that, we have fully explained to
810:37:46 our client that we have a constitutional responsibility to
910:37:50 stay and exhaustively look at this issue.

1010:37:53 And as Mr. Harbaugh said, it's really clear, it's
1110:37:56 the appearance, it's the appearance of impropriety, and that
1210:37:59 is something that the Government didn't talk about, and quite
1310:38:02 frankly, they can't talk about, because there is no
1410:38:06 counterpoint, it's indefensible.

1510:38:08 THE COURT: Well, that will be addressed later as to
1610:38:12 what the Government did, and how dire it is.

1710:38:16 On the matter that is currently before me, the first
1810:38:22 is should the request for recusal be referred to a different
1910:38:26 judge? The rules in this district are very clear, where that
2010:38:32 it is -- it is consistent with statute that the matter should
2110:38:38 first be considered by the judge to whom the request is made.

2210:38:41 And keeping that in mind, the request is denied.
2310:38:47 There is no basis here for either my recusal, or for that
2410:38:52 matter, Judge Donahue's recusal.

2510:38:56 And I disagree that counsel were made fools of. I

110:39:02 just don't think that is true. But that is -- I know that
210:39:04 you sincerely do believe that, and we'll discuss that at the
310:39:08 next hearing.

410:39:09 For now, it simply is not the case, and the
510:39:15 Government is correct about the case law, that actions in
610:39:20 this case can force a judge off the case. Of course, this is
710:39:26 never going to happen, but even if one of the defendants here
810:39:29 were to stand up and threaten me in open court, I would hold
910:39:33 that person in contempt, but that would not be a basis for me
1010:39:36 to be recused from the case.

1110:39:40 Like I said, it's one thing if someone were to be
1210:39:43 indicted and separately prosecuted for threats, but that is
1310:39:48 not the situation that we have here.

1410:39:50 Rather, the situation is, can someone unilaterally
1510:39:57 force assigned judges off a case by making threats? And the
1610:40:01 answer to that question is no. And it has to be, because
1710:40:05 otherwise, there would be a -- there would be a reason that
1810:40:10 people might want to do that.

1910:40:13 Here, it's especially the case where at no time has
2010:40:16 anyone thought that the defendants here had any role in this.
2110:40:21 It was clearly someone who just was agitated and acted out,
2210:40:28 and did something that should never have been done, but that
2310:40:31 just has nothing to do with these defendants; and therefore,
2410:40:36 there is simply no basis for my recusal, Judge Donahue's
2510:40:42 recusal, or to stay anything.

110:40:45 The request for recusal is denied, and we will go
210:40:49 forward with the current schedule.

310:40:51 You know, the Government raised in its opposition
410:40:54 the thought that this is, in essence, an attempt to obtain a
510:41:05 continuance with counsel knowing the Government would object
610:41:08 to that.

710:41:09 I do take your views here, and your agitation
810:41:15 seriously, and know that they are sincerely held, but the
910:41:19 fact is if one of the defendants feels that there needs to be
1010:41:22 a continuance of this trial, I'm not in favor of that,
1110:41:26 clearly the Government isn't, probably many of the defendants
1210:41:29 and counsel are not, as well, then the request should just be
1310:41:32 made here, and I'll consider it. Is there -- is it necessary
1410:41:36 to have a continuance here?

1510:41:39 But to do that gratuitously when I would either
1610:41:44 recuse myself, when there is no basis, or even refer it to
1710:41:47 another judge in this district, when there is no basis, then
1810:41:51 that just would be inappropriate, when it would likely lead
1910:41:57 to a continuance, which is something I don't want, I know the
2010:42:04 Government doesn't want it, because it said so, and it could
2110:42:07 well be that many of the defendants and counsel don't want
2210:42:09 it, either. So all the more reason that the request should
2310:42:14 be denied.

2410:42:14 However, the second half of your motion, which is
2510:42:18 that the Government has done something which is sufficient to

110:42:24 require some other sort of relief than recusal is something
210:42:29 that we'll take up at the appropriate time.

310:42:31 Let me now turn to the numerous motions which are
410:42:38 here.

510:42:44 The motion in limine, properly brought, as counsel
610:42:47 said, early enough so it can affect how a trial is prepared,
710:42:54 is obviously tied, then, to the motion to sever.

810:42:59 And the purported 404(b) evidence is so voluminous
910:43:08 and so many different sorts that I'm just not prepared to
1010:43:12 address that today. So we'll address that at our next
1110:43:15 hearing. And there likewise, then, is -- we will address the
1210:43:21 motion to sever after the dust settles on the 404(b) motion.

1310:43:28 What we are left with, then, is the motion to
1410:43:33 dismiss for vagueness, or in the alternative, for the bill of
1510:43:37 particulars, the motion to dismiss Count 4, the motion for an
1610:43:47 early -- to suppress evidence, which might have been mooted
1710:43:52 by the Government's concessions in its opposition, I wasn't
1810:43:57 clear on that, the motion for an early return of Jencks Act
1910:44:01 material, and as was mentioned, the Government's request for
2010:44:04 an anonymous jury.

2110:44:06 So let's start taking those up.

2210:44:10 Let me hear counsel on Mr. Banks's motion, in which
2310:44:16 the other defendants join, to dismiss for vagueness or the
2410:44:19 bill of particulars.

2510:44:21 MS. O'CONNOR: Thank you, Your Honor.